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CASE PB/5-31481A

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Box: Missing Parts, Commissioner for Patents, Washington, D.C. 20231

Melissa Hardy
Type or print name

Melissa Hardy
Signature

October 22, 2001
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

ART UNIT: 1645

LEVIN ET AL.

APPLICATION NO: 09/896,186

CONFIRMATION NO.: 9567

FILED: June 29, 2001

FOR: Methods of Controlling Gene Expression and Gene Silencing

Box: Missing Parts
Commissioner for Patents
Washington, DC 20231

**RESPONSE TO NOTICE TO FILE MISSING PARTS
OF NONPROVISIONAL APPLICATION**

Sir:

The Notice to File Missing Parts of Nonprovisional Application Filed Under 37 CFR 1.53(b) - Filing Date Granted dated September 21, 2001 (a copy of which is enclosed) has a shortened statutory time set to expire on November 21, 2001.

In response, Applicants now submit an original or copy of a fully executed Declaration and Power of Attorney. Please charge the \$130.00 surcharge fee under 37 CFR § 1.16(e) to Applicants' credit card. A Credit Card Payment Form is enclosed for fee purposes.

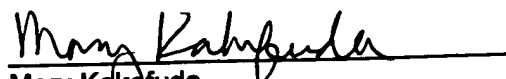
The Commissioner is hereby authorized to charge any additional fees under 37 CFR § 1.17 which may be required, or credit any overpayment, to Account No. 50-1744 in the name of Syngenta Biotechnology, Inc.

A duplicate of this form is enclosed for charging purposes.

Respectfully submitted,

Syngenta Biotechnology, Inc.
Patent Department
3054 Cornwallis Road
Post Office Box 12257
Research Triangle Park, NC 27709-2257

Date: October 22, 2001


Mary Kakefuda
Attorney for Applicants
Reg. No. 39,245

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| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/896,186 | 06/29/2001 | Joshua Levin | PB/5-31481A |

022847
SYNGENTA BIOTECHNOLOGY, INC.
PATENT DEPARTMENT
3054 CORNWALLIS ROAD
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CONFIRMATION NO. 9567

FORMALITIES LETTER



OC000000006589067

Date Mailed: 09/21/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

11/29/2002 HTECKLU1 00000039 09896186

FILED UNDER 37 CFR 1.53(b)

1 FC:105

130.00 OP

Filing Date Granted

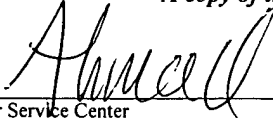
An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.
- The paper or compact disc copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e). Applicant must provide a substitute paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application OR a substitute computer readable form (CRF) copy of the "Sequence Listing". These two items must be the same. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
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*A copy of this notice **MUST** be returned with the reply.*



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Initial Patent Examination Division (703) 308-1202

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